

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RAYVERN MATHIS, SR., )  
Plaintiff, )  
vs. ) Civil Action No. 10-172 Erie  
MICHAEL J. ASTRUE, )  
COMMISSIONER OF SOCIAL )  
SECURITY, )  
Defendant )

**MEMORANDUM ORDER**

Plaintiff Rayvern Mathis, Sr.'s Motion for Leave to Proceed in Forma Pauperis [ECF #1] was received by the Clerk of Court on July 16, 2010, and was assigned to United States Magistrate Judge Susan Paradise Baxter. Magistrate Judge Baxter granted the Motion for Leave to Proceed in Forma Pauperis and on July 26, 2010, Plaintiff's Complaint was filed [ECF#2]. Thereafter, on December 3, 2010 the case was reassigned to this Court and then referred to Magistrate Judge Baxter in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. On December 31, 2010 Plaintiff filed a Motion for Summary Judgment [ECF #9] and on February 7, 2011 Defendant filed a Motion for Summary Judgment [ECF #11].

Magistrate Judge Baxter's Report and Recommendation [ECF #13], filed on July 13, 2011, recommended that the Plaintiff's Motion for Summary Judgment be denied and Defendant's Motion for Summary Judgment be granted and the decision of the Commissioner denying Plaintiff's application for Supplemental Social Security Income and Disability Insurance Benefits be affirmed. The parties were permitted until July 29,

2011 to file objections to the Report and Recommendation. To date, no objections have been filed.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 17th day of August, 2011, it is HEREBY ORDERED, ADJUDGED AND DECREED that the Report and Recommendation of Magistrate Judge Baxter [ECF #13], dated May 23, 2011, is adopted as the Opinion of the Court.

It is further hereby ORDERED, ADJUDGED AND DECREED that: (1) Plaintiff's Motion for Summary Judgment [ECF #9] be DENIED and (2) Defendant's Motion for Summary Judgment [ECF #11] be GRANTED and the decision of the Commissioner denying Plaintiff's application for Supplemental Social Security Income and Disability Insurance Benefits be AFFIRMED.

The Clerk of Court shall mark this case CLOSED.

Maurice B. Cohill, Jr.  
Maurice B. Cohill, Jr.  
Senior District Court Judge